

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

BATTERY COOLING SYSTEM

the specification of which (check one)

☐ is attached hereto.

☒ was filed on March 5, 1998 as Application Serial No. 09/035,586.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, section 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

PRIOR FOREIGN APPLICATION(S)

			<u>Priority Claim</u>	
(Number)	(Country)	(Day/Month/Year filed)	Yes	No
_____	_____	_____	_____	_____
(Number)	(Country)	(Day/Month/Year filed)	Yes	No
_____	_____	_____	_____	_____
(Number)	(Country)	(Day/Month/Year filed)	Yes	No
_____	_____	_____	_____	_____

DECLARATION AND POWER OF ATTORNEY

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States Provisional application(s) listed below:

PRIOR PROVISIONAL APPLICATIONS

(application serial number)

(Month / Day / Year filed)

(application serial number)

(Month / Day / Year filed)

I hereby claim the benefit under Title 35, United States Code, section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, section 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.	Filing Date	Status - patented, pending, abandoned
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint Edward D. Murphy, Reg. No. 20625; Harold Weinstein, Reg. No. 20613; Charles E. Yocum, Reg. No. 30121; Dennis A. Dearing, Reg. No. 26653; Bruce S. Shapiro, Reg. No. 33120; and John D. Del Ponti, Reg. No. 24258, of The Black & Decker Corporation, 701 East Joppa Road, Towson, Maryland 21286, telephone (410) 716-3900; and Christopher M. Brock, Reg. No. 27313; W. R. Duke Taylor, Reg. No. 31306, and each principal, attorney of counsel, associate, and employee of Harness, Dickey & Pierce, P.L.C. who is a registered Patent Attorney, my attorney with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. I request the Patent and Trademark Office to direct all correspondence and telephone calls relative to this application to Harness, Dickey & Pierce, P.L.C., P. O. Box 828, Bloomfield Hills, Michigan 48303, telephone (248) 641-1600.

Full name of first inventor: Robert G. Moores, Jr.

First Inventor's signature: Robert G. Moores, Jr.

Date: 20 NOV 98

Residence: 1920 Knox Avenue, Reisterstown, Maryland 21136

Citizenship: United States of America

Post Office Address: Same as Residence

DECLARATION AND POWER OF ATTORNEY

Full name of second inventor: Rouse R. Bailey, Jr.

Second Inventor's signature: Rouse R. Bailey, Jr.

Date: 16 Nov 98

Residence: 373 Carea Road, New Park, Pennsylvania 17352

Citizenship: United States of America

Post Office Address: Same as Residence

Full name of third inventor: Robert Bradus

Third Inventor's signature: Robert Bradus

Date: Nov 16, 1998

Residence: 904 Clymer Court, Bel Air, Maryland 21015

Citizenship: United States of America

Post Office Address: Same as Residence

Full name of fourth inventor: John R. Cochran

Fourth Inventor's signature: John R. Cochran

Date: 19 NOVEMBER 1998

Residence: 2608 Harwood Road, Baltimore, Maryland 21234

Citizenship: United States of America

Post Office Address: Same as Residence

Full name of fifth inventor: Lee W. Ramstrom

Fifth Inventor's signature: Lee W. Ramstrom

Date: Nov. 16, 1998

Residence: 12 Dellwood Court, Hunt Valley, Maryland 21030

Citizenship: United States of America

Post Office Address: Same as Residence

DECLARATION AND POWER OF ATTORNEY

Full name of sixth inventor: Douglas L. Kreiser (Nonsigning inventor - completed on page 5)

Sixth Inventor's Signature: _____

Date: _____

Residence: 2825 Rosalie Avenue, Baltimore, Maryland 21234

Citizenship: United States of America

Post Office Address: Same as Residence

**ADDED PAGE TO DECLARATION AND POWER OF ATTORNEY
FOR SIGNATURE BY JOINT INVENTOR
ON BEHALF OF NONSIGNING INVENTOR
WHO REFUSES TO SIGN OR CANNOT BE REACHED**

I am an above named joint inventor and have signed this Declaration on my own behalf and also sign this Declaration under 37 C.F.R. 1.47(a) on behalf of the nonsigning joint inventor:

Douglas L. Kreiser

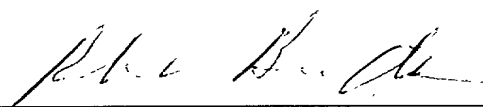
who refuses to sign and cannot be found or reached

Last Known Residence: 2825 Rosalie Avenue, Baltimore, Maryland 21234

Citizenship: United States of America

Accompanying this Declaration is a Statement of Facts in Support of Filing on Behalf of Nonsigning Inventor, together with the Petition fee in the amount of \$130.00 pursuant to 37 C.F.R. §1.17(i).

Dated: Nov 19, 1998


Robert Bradus
904 Clymer Court
Bel Air, Maryland 21015

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit:	2838)	STATEMENT OF FACTS IN SUPPORT OF FILING ON BEHALF OF NONSIGNING INVENTOR UNDER 37 C.F.R. 1.47
Serial No.	09/035,586)	
Filing Date:	March 5, 1998)	
Applicants:	Robert G. Moores, Jr., et al)	
For:	BATTERY COOLING SYSTEM)	
)	

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Dear Sir:

This statement is made as to the exact facts that are relied upon to establish the diligent effort made to secure the execution of the Declaration by the nonsigning inventor for the above-identified patent application before deposit thereof in the United States Patent and Trademark Office.

This statement is being made by the available person having first-hand knowledge of the facts recited herein.

**Identification of Person Making
this Statement of Facts:**

Robert Bradus

Residence:

904 Clymer Court, Bel Air, Maryland 21015

Citizenship:

United States of America

Nonsigning Inventor

Douglas L. Kreiser

Last Known Residence:

2825 Rosalie Avenue, Baltimore, Maryland 21234

Citizenship:

United States of America

STATEMENT OF FACTS IN SUPPORT OF FILING
ON BEHALF OF NONSIGNING INVENTOR UNDER 37 C.F.R. 1.47

DETAILS OF EFFORTS TO REACH NONSIGNING INVENTOR

The following is a summary of the actions and procedures taken by myself and the attorneys of record in this case to obtain the signature of Mr. Douglas L. Kreiser. Copies of documentary evidence is also attached as set forth below.

1. On or about February 1, 1998, I had a telephone conversation with the Human Resources Department at The Black & Decker Corporation. I was informed that when Mr. Kreiser left his employ with Black & Decker, he refused to provide a forwarding address. They provided me with Mr. Kreiser's last known address - 2825 Rosalie Avenue, Baltimore, Maryland 21234.

2. On February 17, 1998, I forwarded a letter to Mr. Kreiser, via Certified Mail, Return Receipt Requested, with a notation on the envelope to the Postal Service to supply a forwarding address, if applicable. My letter requested Mr. Kreiser to contact me concerning his interest in the above-identified patent application. The letter was returned by the Post Office, marked Addressee Unknown and no forwarding address was supplied. A copy of the letter is attached as Exhibit A.

3. On March 4, 1998, I contacted the Postal Service and requested a forwarding address for Douglas L. Kreiser. I was informed that they had no forwarding address on file for Mr. Kreiser.

4. On March 6, 1998, I forwarded another letter to Douglas Kreiser at his last known address, again hoping that the Postal Service might provide a forwarding address. This time, the envelope was returned with a forwarding order sticker, indicating that Mr. Kreiser's mail was being forwarded to P.O. Box 28329, Baltimore, Maryland 21234-8329 (see attached Exhibit B).

5. On July 30, 1998, I forwarded another letter to Mr. Kreiser, this time addressed to P.O. Box 28329 in Baltimore, and again indicated my eagerness to speak with him regarding the filing of the above-identified patent application and requesting that he contact me concerning same. This letter was never returned by the Post Office. A copy of my July 30, 1998 letter is attached as Exhibit C.

6. In late July, 1998, I conducted an Internet Search on Douglas L. Kreiser. I located several listings and attempted to contact several of the persons listed as "Douglas" or "D" Kreiser by telephone. My search ended without success, as I was either informed that I had reached the wrong person, or I was unable to get a telephone answer.

STATEMENT OF FACTS IN SUPPORT OF FILING
ON BEHALF OF NONSIGNING INVENTOR UNDER 37 C.F.R. 1.47

7. Dennis A. Dearing, Senior Group Patent Counsel, Patent, Trademark & Licensing Department, of The Black & Decker Corporation, finally contacted Mr. Kreiser by telephone. Mr. Kreiser indicated his willingness to cooperate, however hesitant. An address and telephone number at which he could be reached was ascertained. Mr. Kreiser was told that he would be contacted by Black & Decker's outside attorneys, Harness, Dickey & Pierce, P.L.C., who were now in possession of the formal papers which needed to be signed. Mr. Kreiser maintained his current address to be P.O. Box 28329, Baltimore, Maryland 21234-8329 and provided a telephone number of 910-525-3516.

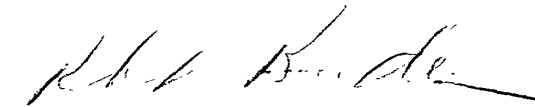
8. On August 18, 1998, W. R. Duke Taylor of Harness, Dickey & Pierce, P.L.C., attorneys of record for this case, sent a letter to Mr. Kreiser, addressed to P.O. Box 28329, Baltimore, Maryland 21234-8329; Mr. Kreiser was sent a Declaration and Power of Attorney, signed by all of the other named inventors, and also an Assignment document, both documents for his signature. Mr. Kreiser did not respond to this letter, nor was the letter returned by the post office. A copy of the August 18, 1998 letter is attached as Exhibit D.

9. Subsequently, Applicants' attorney attempted to contact Mr. Kreiser by telephone on several occasions, at all different hours of the day and night, and never received an answer.

10. On September 16, 1998, Applicants' attorney sent a second letter to Mr. Kreiser, requesting that he return the signed documents or make contact by telephone if he had questions. This letter was returned by the Post Office as "Unclaimed". See attached Exhibit E.

I declare that the facts as set forth above are true and accurate according to my present information, knowledge and belief.

Dated: 16 Nov, 1998



Robert Bradus
904 Clymer Court
Bel Air, Maryland 21015